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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 904

Introduced by Assembly Member Skinner
(Coauthor: Senator Berryhill)

February 17, 2011

An act to add Article 2 (commencing with Section 65200) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, Skinner. Local government: parking spaces: minimum requirements.

The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.

This bill, commencing on January 1, 2014, would prohibit a city or county from requiring a minimum *number of off-street parking standard spaces* in transit-intensive areas, as defined, greater than ~~one~~ 2 parking ~~space spaces~~ per 1,000 square feet in nonresidential projects *of 20,000 square feet or less on a single property*, one parking space per unit in *non-income-restricted* residential projects, and specified portions, as applicable, of a parking space per unit for certain affordable housing projects, except as specified. The bill would also make a statement of legislative findings regarding the application of its provisions to charter cities.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Sustainable *Minimum Parking—Standards Requirements Act* of
- 3 2012.
- 4 SEC. 2. (a) The Legislature finds and declares all of the
- 5 following:
- 6 (1) The state, cities, and counties have invested billions of dollars
- 7 in transit infrastructure. Land use policies that reduce the cost and
- 8 complexity of transit-oriented development help ensure a return
- 9 on that investment.
- 10 (2) Consistent with Senate Bill 375 and Assembly Bill 32, it is
- 11 state policy to promote transit-oriented infill development.
- 12 (3) Existing *minimum off-street* parking requirements throughout
- 13 the state are based on low-density and segregated single land uses.
- 14 (4) Parking is costly to build and maintain and can substantially
- 15 increase the cost of constructing and operating infill projects.
- 16 (5) The high cost of the land and improvements required to
- 17 provide parking significantly increases the cost of transit-oriented
- 18 development, making lower cost and affordable housing
- 19 development financially infeasible and hindering economic
- 20 development strategies.
- 21 (6) Increasing public transportation options and developing
- 22 more walkable and bikeable neighborhoods reduce the demand
- 23 for parking.
- 24 (7) Excessive governmental parking requirements for infill and
- 25 transit-oriented development reduce the viability of transit

1 development by limiting the number of households and workers
2 near transit, increasing walking distances, and degrading the
3 pedestrian environment.

4 (8) Reducing excessive minimum parking requirements for infill
5 and transit-oriented development and allowing builders and the
6 market to decide how much parking is needed—~~can~~ *may* do all of
7 the following:

8 (A) Ensure sufficient but not excessive amounts of parking are
9 provided.

10 (B) ~~Significantly reduce~~ *Reduce* the cost of development and
11 increase the number of transit-accessible and affordable housing
12 units.

13 (C) Increase density in areas with the most housing demand,
14 and improve the viability of developing alternate modes of
15 transportation, such as public transit, ridesharing, biking, and
16 walking.

17 (D) Reduce green house gas emissions and vehicle miles traveled
18 by removing an incentive to drive.

19 (b) It is the intent of the Legislature to reduce unnecessary
20 government regulation and to reduce the cost of development by
21 eliminating excessive minimum parking requirements for infill
22 and transit-oriented development.

23 (c) The Legislature further finds and declares that the need to
24 address infill development and excessive parking requirements is
25 a matter of statewide concern and is not a municipal affair, as that
26 term is used in Section 5 of Article XI of the California
27 Constitution. Therefore, this act shall apply to all cities, including
28 charter cities.

29 SEC. 3. Article 2 (commencing with Section 65200) is added
30 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
31 read:

32
33 Article 2. Sustainable *Minimum Parking Standards*
34 *Requirements* Act of 2012
35

36 65200. (a) Commencing on January 1, 2014, in
37 transit-intensive areas, a city, county, or city and county, including
38 a charter city, shall not require projects to provide a minimum
39 number of *off-street* parking spaces greater than *the following*:

1 (1) ~~One~~ *Two* parking ~~space~~ *spaces* per thousand square feet of
2 ~~commercial, industrial, institutional, or other~~ nonresidential projects
3 *of 20,000 square feet or less on a single property.*

4 (2) One parking space per unit for non-income-restricted
5 residential projects.

6 (3) ~~Seventy-five one hundredths~~ *Three-quarters* parking spaces
7 per unit for projects that include both income-restricted and
8 non-income-restricted units, and which meet the standards in
9 subdivision (b) of Section 65915.

10 (4) ~~Five-tenths~~ *One-half* parking spaces per unit for units that
11 are restricted by a recorded covenant or a deed that lasts at least
12 55 years to rents or prices affordable to persons and families
13 making less than 60 percent of *the* area median income.

14 (b) This section shall not be construed as setting a maximum
15 number of spaces a project may provide.

16 (c) *This section shall not be construed to limit any local agency's*
17 *authority to regulate parking impacts from development through*
18 *exactions, fees, conditions of approval, or other valid exercise of*
19 *its police power beyond the specific limitations provided in*
20 *subdivision (a).*

21 (e)

22 (d) This section shall not apply to any property that meets any
23 of the following criteria:

24 (1) The property and immediately adjoining properties are
25 restricted to development or redevelopment at a floor area ratio of
26 below 0.75.

27 (2) The property includes a parcel or parcels whose dwelling
28 units are subject to a recorded covenant, ordinance, or law that
29 restricts rents to levels affordable to persons and families of ~~low-~~
30 ~~or moderate-income~~ *low or moderate income*, or are subject to
31 other forms of rent or price control imposed through a public
32 entity's valid exercise of its police power, that will be destroyed
33 or removed, unless any proposed development on the property is
34 to include an equal number of bedrooms that shall be made
35 available at affordable housing costs to, and will be occupied by,
36 persons and families in the same or lower income category
37 (extremely low, very low, or low) in the same proportion as the
38 units occupied or last occupied by extremely low, very low, or
39 low-income households in the property. Rental replacement units
40 provided pursuant to this paragraph shall be made available at

affordable housing costs for at least 55 years, or at the remaining term of the existing recorded covenants or deed restrictions that require maintenance of affordable housing costs, which are consistent with the parties meeting their contractual obligations. Ownership replacement units provided pursuant to this paragraph shall be made available at affordable housing costs for at least 45 years.

(3) The property includes a parcel where the owner withdrew residential rental units pursuant to Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1, from rental or lease, or offering for rental or lease, pursuant to paragraph (2) of subdivision (a) of Section 7060.2.

(4) The property includes a parcel or parcels subject to a specific plan, station area plan, zoning ordinance, or other form of local land-use control that provides for minimum off-street parking requirements for residential, commercial, and mixed-use new construction and reuse projects that are lower than the minimum off-street parking requirements in the same jurisdiction for the same uses outside the transit-intensive area.

~~(d)~~

(e) For purposes of this section, “transit-intensive area” means an area that is within one-half mile of a major transit stop or within one-quarter mile of the center line of a high-quality transit corridor ~~included in a regional transportation plan~~. A major transit stop is as defined in Section 21064.3 of the Public Resources Code, ~~except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan~~. For purposes of this section, a high-quality transit corridor means a corridor with a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A property shall be considered to be within one-half mile of a major transit stop or within one-quarter mile of the center line of a high-quality transit corridor if all parcels within the property together have no more than 25 percent of their area farther than one-half mile from the stop or within one-quarter mile of the center line of a corridor, and if not more than 10 percent of the residential units or 100 units, whichever is less, in any proposed project are farther than one-half mile from the stop or within one-quarter mile of the center line of a corridor.

~~(e)~~

(f) Consistent with subdivision ~~(f)~~ (g), a city, county, or city and county, including a charter city, ~~may require higher minimum parking standards for new development in a transit-intensive area other than those established pursuant to subdivision (a) that is otherwise subject to this section, shall not be required to apply the minimum off-street parking requirements in subdivision (a) in a transit-intensive area in place of those set forth in its zoning code if it makes at least one of the following written findings, specific to that transit-intensive area, based upon objective criteria and substantial evidence in the record that:~~

(1) The transit-intensive area ~~in question~~ does not currently have or cannot reasonably expect to have sufficient walkability, ~~as defined by proximity to services such as grocery stores or other neighborhood amenities within one-half mile of the transit-intensive area to justify reduced off-street parking requirements.~~

(2) The transit-intensive area ~~in question~~ does not currently have or cannot reasonably expect to have a sufficient level of transit service or bike access to provide for viable alternatives to the car ~~for a significant proportion of the trips generated by new development.~~

(3) ~~The parking standards minimum parking requirements set forth in this act would undermine existing parking standards that create effective incentives for transit-oriented development or affordable housing production, or both reduce the number of low-income housing units produced in that transit-intensive area through density bonus programs such as the program set forth in Sections 65915 to 65918, inclusive.~~

~~(4) The parking standards set forth in this section conflict with a plan that is specific to a station area and is in effect as of January 1, 2013, that includes a major transit stop and provides for reduced off-street automobile parking requirements in comparison to the standard zoning requirements in the same jurisdiction outside the transit-intensive area.~~

~~(4) The transit-intensive area in question will be adversely affected by a reduction in minimum off-street parking requirements.~~

~~(f)~~

(g) Any action by a city, county, or city and county, including a charter city, ~~to increase parking requirements in a transit-intensive area pursuant to subdivision (e) pursuant to subdivision (f) to~~

1 *exempt transit-intensive areas from the minimum parking*
2 *requirements set forth in subdivision (a) and maintain the minimum*
3 *parking requirements set forth in its local code shall be in the form*
4 *of an ordinance that complies with a local zone, plan, or other*
5 *generally applicable development standard within that transit area*
6 *a resolution adopted by the legislative body of a city, county, or*
7 *city and county. Development projects whose applications the city*
8 *or county has deemed complete after January 1, 2014, but before*
9 *the adoption of any increased minimum parking requirements*
10 *made pursuant to this subdivision, shall not be subject to those*
11 *increased minimum parking requirements.*

12 ~~(g) A city, county, or city and county that has adopted an~~
13 ~~ordinance pursuant to subdivisions (e) and (f) may repeal that~~
14 ~~ordinance at any time without any requirement for new findings~~
15 ~~or analysis.~~

16 *(h) Multiple transit-intensive areas may be exempted from the*
17 *requirements of subdivision (a) by a single resolution, provided*
18 *that the resolution includes at least one of the findings set forth in*
19 *subdivision (f) applied to each transit-intensive area to be*
20 *exempted.*

21 ~~(h)~~
22 *(i) (1) Before January 1, 2014, a city, county, or city and county*
23 *may evaluate and approve projects pursuant to the parking*
24 *standards minimum parking requirements under this section.*

25 *(2) After January 1, 2014, but before the adoption of a resolution*
26 *pursuant to subdivision (g), development projects shall not be*
27 *subject to minimum off-street parking requirements higher than*
28 *those set forth in subdivision (a).*

29 *(j) This section shall not apply to any city, county, or city and*
30 *county that has no transit-intensive areas within its jurisdiction.*